

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-2-E ORDER NO. 2020-135-H

DECEMBER 17, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Annual Review of Base Rates for Fuel Costs for Dominion Energy South Carolina, Incorporated (For Potential Increase or Decrease in fuel Adjustment or Gas Adjustment)

MATTER UNDER CONSIDERATION:

Petition to Intervene of CMC Steel South Carolina

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of CMC Steel South Carolina ("CMC"). The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).

The position of the Petitioners in the proceeding must also be concisely and clearly stated; provided it is known. The Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a docket/proceeding provided such intervention would not cause undue delay in the proceedings or prejudice the rights of other parties.

CMC owns and operates a steel manufacturing facility in Cayce, South Carolina. This facility utilizes an electric arc furnace ("EAF") to melt and recycle steel. This process requires CMC to purchase very large quantities of electricity from Dominion Energy South

Carolina, Inc. (“Dominion”) at a cost of millions of dollars per year, according to the Petition. CMC also asserts that because the cost of electricity is one of the major costs of steel-making utilizing an EAF, the cost of electricity directly affects CMC’s ability to produce steel at a competitive price. CMC states that it is one of the largest retail customers of Dominion. CMC also notes that due to the magnitude and unique characteristics of its load, CMC cannot be adequately represented by any other party to this proceeding. At this stage of the proceeding, CMC has not fully determined what positions it may take.

From these facts, this Hearing Officer holds that CMC has successfully satisfied the three criteria for intervention stated in the Regulation. CMC’s interest in this matter can clearly be discerned, as can the grounds for the intervention. Although CMC does not specifically state its interest in this matter, the Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a docket/proceeding provided such intervention would not unduly delay the proceedings or prejudice the rights of other parties. In this case, I hold that CMC’s intervention would not unduly delay the proceedings, nor would it prejudice the rights of the other parties.

Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of CMC Steel South Carolina is hereby granted in this Docket. This ends the Chief Hearing Officer’s Directive.